

REMARKS

Applicants thank the Examiner for consideration given to this application. Claims 1, 2, 15, 30 and 31 are pending in this application. Claims 1 and 15 are independent claims. Claims 1 and 15 has been amended. Claims 30 and 31 have been added as new claims. Applicants respectfully request reconsideration of the rejected claims in light of the amendment and remarks presented herein, and earnestly seek timely allowance of all pending claims.

Examiner Interview

Applicants thank the Examiner for the courtesies extended during the interview on April 23, 2008. Applicants explained the invention recited in claims 1 and 15. The Examiner agreed that the reference applied to the features of claims 1 and 15 did teach or suggest “calculating an account of a product-in-circulation recognized as the purchase action, of all products-in-circulation, in accordance with the expiring date data of the product-in-circulation.” Pending further consideration by the Examiner, the Examiner agreed to withdraw the rejection as long as any amendments to the claims do not change the scope of the invention. Furthermore, the Examiner agreed to withdraw the rejections under 35 U.S.C. § 112. Any subsequent action by the Examiner would be non-final.

Claim Rejections Under 35 USC §112

Claims 1, 2 and 15 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The Office Action has not provided a basis or explanation for the rejection of claims 1, 2 and 15 under 35 U.S.C. §112, second paragraph, except to state “The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic

errors.” If upon further review of a claim in its entirety, the Examiner concludes that a rejection under 35 U.S.C. §112, second paragraph, is appropriate, such a rejection should be made and an analysis presented as to why any portion of the claim is "vague and indefinite." See MPEP § 2173.02 In light of the Examiner’s agreement during the interview, this rejection should be withdrawn.

Claim Rejections Under 35 USC §102

Claims 1 and 15 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Sekizawa et.al. (“Sekizawa”, U.S. 6,430,711 B1). This rejection is respectfully traversed.

Independent claims 1 and 15 recite, *inter alia*, “**calculating an account of a product-in-circulation recognized as the purchase action, out of products-in-circulation delivered to the service receiver, in accordance with the expiring date data of the product-in-circulation**”. The Examiner relies on “time of an ink purchase to be an expiring date” and the “time of an ink purchase to be an expiring date and further would be delivered before the expiration of ink” (*See Office Action, Page 5*) to support his rejection. The passage recited by the Office Action to disclose the above mentioned claim features in fact only discusses the amount of time to transmit the ink purchase order (i.e. data transmission time), *not* the expiration date of the product-in-circulation (*See Column 3, Lines 53-59*). Furthermore, there is no disclosure of calculating an account of a product-in-circulation recognized as the purchase action, out of products-in-circulation delivered to the service receiver, in accordance with the expiring date data of the product-in-circulation as recited by independent claims 1 and 15. As agreed upon during the Interview, Sekizawa fails to teach or suggest this claim element.

Independent claims 1 and 15 recite, *inter alia*, “**registering unique data to specify each product-in-circulation delivered to a service receiver and expiring date data of the product-in-circulation in a terminal**”. Sekizawa does not disclose the above-mentioned claim feature. The passage relied on by the Office Action to disclose the above-mentioned claim feature simply discusses monitoring the operation state of a machine through a computer network (*See Column 2, Lines 63-66*). In Sekizawa, there is not even a mere mention of

registering unique data to specify each product-in-circulation delivered to a service receiver and expiring date data of the product-in-circulation in a terminal as recited by independent claims 1 and 15. As agreed upon by the Examiner during the Interview, Sekizawa fails to teach or suggest this claim element.

For at least the reasons stated above, and agreed upon by the parties during the Interview, independent claims 1 and 15 are patentably distinct from Sekizawa.

Accordingly, the Examiner is respectfully requested to withdraw the anticipation rejection of claims 1 and 15 based on Sekizawa.

Claim Rejections Under 35 USC §103

Claim 2 stands rejected under 35 USC §103(a) as allegedly being unpatentable over Sekizawa et.al. ("Sekizawa", U.S. 6,430,711 B1) in view of Examiner's Official Notice. This rejection is respectfully traversed.

Applicants respectfully submit that the combination of Sekizawa and Examiner's Official Notice fail to disclose every claimed feature in dependent claim 2. In order to establish *prima facie* obviousness, all claim limitations must be taught or suggested in the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

The Examiner takes Official Notice that it is old and well known in the arts for a service receiver to collect the unused portion of a consumable to dispose of after service due to the fact that it would be cumbersome for the customer to have to deal with a partially used consumable (*See Office Action, Pages 6-7*). Furthermore, the Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the teachings of Sekizawa to include a service receiver to collect the unused portion of a consumable to dispose of after service as taught by Examiner's Official Notice (*See Office Action, Page 7*). Applicants respectfully traverse the Examiner's Official Notice and assert that it is not old and well known in the arts for a service receiver to collect the unused portion of a

consumable to dispose of after service due to the fact that it would be cumbersome for the customer to have to deal with a partially used consumable and that it would not have been obvious to one of ordinary skill in the art at the time of invention was made to modify the teachings of Sekizawa to include a service receiver to collect the unused portion of a consumable to dispose of after service as taught by Examiner's Official Notice. Furthermore, the Examiner fails to provide a *prima facie* case of obviousness to teach outputting an instruction to collect an unused product-in-circulation of all products-in-circulation delivered to the service receiver, after a prescribed duration as recited by dependent claim 2. The Examiner is respectfully requested to provide a properly combinable reference that cures the deficiencies of the teaching of Sekizawa and establish a proper *prima facie* obviousness rejection.

Accordingly, it is respectfully requested to withdraw this obviousness rejection of claim 2 based on Sekizawa and Examiner's Official Notice.

Conclusion

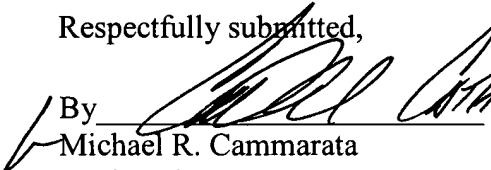
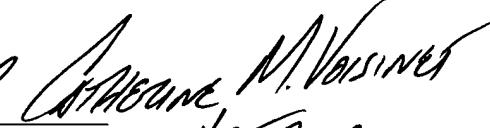
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata, Reg. No. 39,491 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Date: April 28, 2008

Respectfully submitted,

By  
Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

#52527